

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE TENNESSEE**

**September 15, 2003**

**IN RE:**

**APPLICATION FOR AUTHORITY FOR OPERATOR  
SERVICES AND/OR RESELL INTEREXCHANGE  
TELECOMMUNICATIONS SERVICE AND/OR  
TELECOMMUNICATIONS OPERATOR SERVICES IN  
TENNESSEE PURSUANT TO RULE 1220-4-2-.57**

**DOCKET NO.  
95-02519**

**Company ID: 111559**

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**ORDER REVOKING AUTHORITY GRANTED TO INCOMNET  
COMMUNICATIONS CORPORATION TO CONDUCT BUSINESS AS A  
PUBLIC UTILITY IN THE STATE OF TENNESSEE FOR FAILURE TO  
PROVIDE SURETY BOND OR IRREVOCABLE LETTER OF CREDIT**

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This matter came before Chairman Sara Kyle, Director Pat Miller and Director Ron Jones of the Tennessee Regulatory Authority (hereafter the "Authority" or "TRA") at a regularly scheduled Authority Conference held on March 17, 2003, to consider whether to revoke the authority of Incomnet Communications Corporation<sup>1</sup> (the "Company") to conduct business in the State of Tennessee as a public utility for failure to comply with Tennessee Code Ann. § 65-4-125(j).<sup>2</sup>

The Company originally filed its Application for authority to provide operator services and/or resell telecommunications services on June 16, 1995. On July 18, 1995, the Commissioners of the Tennessee Public Service Commission found that the Company had met all the requirements for

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<sup>1</sup> Incomnet Communications Corporation was formerly known as National Telephone & Communications, Inc. This name change was effected by Order dated March 2, 1999 (Docket No. 99-00083).

<sup>2</sup> Tenn. Code Ann. § 65-4-125(j) provides:

By September 1, 2000, all telecommunications service providers subject to the control and jurisdiction of the authority, except those owners or operators of public telephone service who pay annual inspection and supervision fees pursuant to § 65-4-301(b), or any telecommunications service provider that owns and operates equipment facilities in Tennessee with a value of more than five million dollars (\$5,000,000), shall file with the authority a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000) to secure the payment of any monetary sanction imposed in any enforcement proceeding, brought under this title or the Consumer Telemarketing Protection Act of 1990, compiled in title 47, chapter 18, part 15, by or on behalf of the authority.

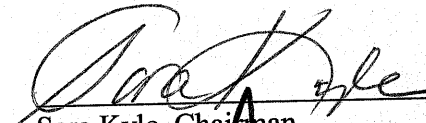
certification and the requirements of Tenn. Comp. R. & Regs. 1220-4-2-.57, which was promulgated pursuant to, *inter alia*, Tenn. Code Ann. § 65-4-101 and Tenn. Code Ann. § 65-4-201, and voted unanimously to approve the Application as filed.

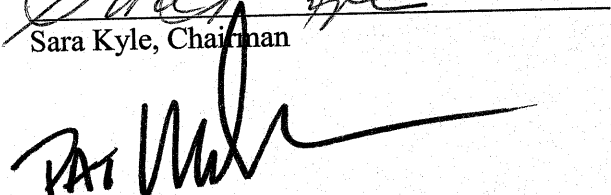
A notice advising the Company of its failure to comply with the requirements of Tenn. Code Ann. § 65-4-125(j) was mailed on October 9, 2002 via certified mail. The Company failed to respond to the October 9, 2002 notice. As a result of this failure, this matter was placed on the March 17, 2003 Authority Conference for the Directors to consider revocation of the Company's certification.

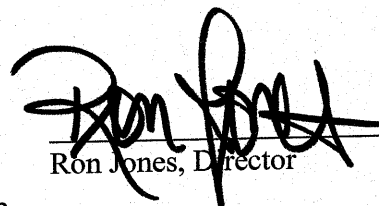
As of the March 17, 2003 Authority Conference, the Company had failed to file with the Authority a \$20,000 corporate surety bond or an irrevocable letter of credit to secure the payment of any monetary sanction imposed in any enforcement proceeding, and it had not demonstrated ownership and operation of equipment facilities in Tennessee with a value of more than \$5,000,000. Accordingly, the panel voted unanimously to revoke the authority of the Company to conduct business in the State of Tennessee.

**IT IS THEREFORE ORDERED THAT:**

The authority of Incomnet Communications Corporation granted in Docket No. 95-02519 to conduct business in the State of Tennessee as a public utility is revoked, and this docket is closed.

  
Sara Kyle, Chairman

  
Pat Miller, Director

  
Ron Jones, Director